

Further Instructions for Interested Parties—Cooperative Injury Assessment—Portland Harbor

Parties should respond to the Portland Harbor Natural Resource Trustee Council by April 2, 2008, if they intend to participate in the cooperative injury assessment process under the terms of the Funding and Participation Agreement distributed at the March 11, 2008 meeting. After April 2, the Trustees will post the names of the parties who have expressed interest. These parties will have until April 16, 2008 to coordinate joint funding of the \$2.1 million requested by the Trustees. If the parties are unable to reach an agreement, the Trustees will require each participating party to pay a pro-rata share of the total amount.

In response to comments received at the March 11 meeting, the Trustees intend to allow parties new to the Superfund site process at Portland Harbor additional time to make a final decision as to whether to participate in a cooperative injury assessment process. Those that first became aware of their potential responsibility for contamination at the Portland Harbor NPL through a 104(e) letter from EPA in January, 2008 (and did not receive a general notice letter) should also express their interest in participating in the cooperative assessment by April 2, 2008. However, if those parties desire extra time to make a decision, they may take until June 2, 2008 to make a final decision to participate in funding an assessment. At that time, a new pro-rata share will be determined using the complete list of interested parties, and funds received after June 2 will be distributed amongst the original list of participants.